

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SKYLINE SOFTWARE SYSTEMS, INC.,

Plaintiff,

v.

KEYHOLE, INC., and  
GOOGLE INC.

Defendants.

CIVIL ACTION NO. 04-11129 DPW

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO STRIKE**

Based on Defendants' Motion to Strike Portions of Documents and Exhibits Submitted in Support of Plaintiff's Motion for Preliminary Injunction, or, in the Alternative, Objections to Evidence, the argument of counsel, and the entire record herein, it is **HEREBY ORDERED** as follows:

Defendants' Motion is **GRANTED**. Those portions of Plaintiff's evidence submitted in support of its motion for preliminary injunction, as shown in the attached chart, are stricken, as are those portions of Plaintiff's brief corresponding to, and relying upon, such evidence.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2006

By: \_\_\_\_\_

The Honorable Douglas P. Woodlock  
United States District Judge

<u><b>DECLARATION OF TERRY KEATING, PH.D.</b></u>		
<b>EVIDENCE</b>	<b>BASIS</b>	
¶ 11: “Given my experience in the relevant field and my reading of the ‘189 Patent, I understand the term ‘data block’ to mean a quantity, set or amount of information or data representing a portion of the terrain and the term ‘terrain’ to mean the physical features of an area, object or material.”	Improper (Belated) Claim Construction Evidence	
¶ 13: “Based on my reading of the ‘189 Patent, I understand the phrase ‘hierarchical structure’ to mean data blocks arranged in multiple levels of resolution, with each level of the structure containing blocks of a different resolution level.”	Improper (Belated) Claim Construction Evidence	
¶ 15: “In the ‘189 Patent, ‘coordinates in the terrain’ are any of a group of one or more numbers used to determine a position in the terrain. Examples of a ‘coordinate’ given in the ‘189 Patent include x, y (longitude, latitude) and height, and/or resolution level. See, e.g., Hameline Decl., Exh. 7, col. 13, Ins 11-17.”	Improper (Belated) Claim Construction Evidence	
¶ 16: “The ‘189 Patent suggests that the user can enter more than a ‘pair’ (or two) coordinates, . . . .”	Improper (Belated) Claim Construction Evidence	
¶ 17: “An ‘indication of a respective resolution level’ means something that indicates, points out, or signifies a respective resolution level.”	Improper (Belated) Claim Construction Evidence	
¶ 20: “‘Local memory’ is a memory of a local computer.”	Improper (Belated) Claim Construction Evidence	
¶ 20: “The local hard drive, main memory, and memory cache, as used by Defendants, are all examples of ‘local memory’.”	Improper (Belated) Claim Construction Evidence	
¶ 25: “The Google Earth products include a ‘processor,’ which in the context of the `189 Patent means hardware and/or software that processes computer-readable instructions. Hameline Decl., Exh. 7 at Fig. 5 (processor 20), col. 10 Ins. 61-67, col. 11, Ins. 39-44.”	Improper (Belated) Claim Construction Evidence	
<u><b>DECLARATION OF TERRY KEATING, PH.D.</b></u>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE/AUTHORITY</b>
¶ 5: “I have reviewed publicly available records and documents about the ‘189 Patent, as well as the products accused of infringement in this case, collectively called ‘Google Earth.’ Based on these documents and my knowledge of the technology, I understanding of the functionality and technology involved in the Google Earth products.”	Foundation/Speculation  Impermissible Lay/Expert Opinion	Fed. R. Evid. 602  Fed. R. Evid. 701-703

<b><u>DECLARATION OF TERRY KEATING, PH.D.</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE/AUTHORITY</b>
¶ 10: “Based on my review of the publicly available information and my extensive experience in the mapping and GIS software fields, Defendants’ Google Earth products perform in the same manner as described in the ‘189 Patent.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 11: “For example, as required by Claim 1 of the ‘189 Patent, the Google Earth products use data blocks describing 3D terrain, such as the Earth’s surface, to a renderer on the client computer in a hierarchical fashion, whereby the data blocks contain several different resolution levels.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 12: “In other words, the Google Earth products depict data representing a portion of 3D physical features of the terrain, <i>i.e.</i> , Earth.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 12: “The publicly available literature about the Google Earth products reveal that they include, at a minimum, the 3D surface features of an area of land, or topography, as well as the surface features of other areas, objects and materials.”	Foundation/Speculation Impermissible Lay/Expert Opinion Best Evidence Rule	Fed. R. Evid. 602 Fed. R. Evid. 701-703 Fed. R. Evid. 1002
¶ 13: “As also required by Claim 1 of the ‘189 Patent, the data blocks used by the Google Earth products are arranged in a ‘hierarchical structure,’ that is, different data blocks contain different levels of resolution. Hameline Decl., Ex. 103 at 109.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 13: “The Google Earth products use data blocks arranged in a hierarchical structure in this same way.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

<b><u>DECLARATION OF TERRY KEATING, PH.D.</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE/AUTHORITY</b>
¶ 13: “Even under Defendants’ interpretation of hierarchical structure to be organized into multiple levels of resolution, whereby each level contains data blocks at the same resolution, and each viewable successive level contains data blocks of a higher resolution than those in the preceding level (Hameline Decl., Exh. 15 at 19), the accused products would have the claimed hierarchical structure. Hameline Decl., Exhs. 10, 13.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 15: “Defendants’ products include a renderer that renders according to their product descriptions.”	Foundation/Speculation Impermissible Lay/Expert Opinion Best Evidence Rule	Fed. R. Evid. 602 Fed. R. Evid. 701-703 Fed. R. Evid. 1002
¶ 15: “Also, I understand, even if Defendants’ definition of a renderer is used, the accused products do have a renderer that receives data blocks and generates images as proposed in Defendants’ definition of renderer. Hameline Decl., Exh. 10; Exh. 15 at 14.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 16: “The Google Earth products similarly allow a user to determine a position in the terrain that is desired for viewing by entering ‘coordinates in the terrain.’”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 16: “Google Earth would still include this element of the claims of the ‘189 Patent, as the accused products allow for the entry of a pair of longitude/latitude coordinates, such as latitude and longitude or x and y coordinates, to determine a particular location in the terrain. Hameline Decl., Exhs. 10, 13.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

<b><u>DECLARATION OF TERRY KEATING, PH.D.</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE/AUTHORITY</b>
¶ 17: “In the Google Earth products, the user specifies the desired resolution of the terrain and the downloaded data corresponds to the specified coordinates and resolution. Hameline Decl., Exh. 10. The Google Earth data blocks of at least three different resolution levels are stored to allow a user to zoom in and out of a particular area. Hameline Decl., Exh. 13 at 109.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 18: “As discussed above, the Google Earth products provide more than one data block to the renderer in order to allow the user to view the requested terrain image. Therefore, a ‘first’ data block that is received from a remote server is followed by a subsequent data block or blocks at a correspondingly higher resolution level higher than that present in the first block. The data contained in the first and subsequent data blocks correspond to the one or more coordinates if the provided block from the local memory is not at the indicated resolution level.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 19: “As described in the Skyline invention, the Google Earth products similarly download a first and then subsequent data blocks. These data blocks correspond to some coordinates to increase the resolution of an image if the first data block stored locally is not at the desired resolution. Hameline Decl., Exhs. 10, 21. To speed up the process of downloading the data blocks for the user, Google Earth may provide a first resolution data block from local memory and then supplements that first data block with data blocks at a higher resolution retrieved from a server. The user is able to observe this process when using the Google Earth product, as described above in Paragraph 13.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

<b><u>DECLARATION OF TERRY KEATING, PH.D.</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE/AUTHORITY</b>
¶ 19: “Even assuming this definition is correct, the Google Earth products meet this definition.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 20: “The downloaded image data corresponds to the coordinates in the terrain requested by the user and is stored in a local memory. This storage of terrain data in the local memory allows the client to access the desired terrain data without having to access the network each time terrain data is subsequently requested.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 21: “Claim 1 of the ‘189 Patent also requires a ‘remote server’ and a ‘communication link,’ both of which are found in the Google Earth products.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 21: “The data and information includes additional data blocks describing the terrain, at higher resolution levels, if these higher resolution data blocks are not already stored in the local memory of the client computer. The Google Earth products stream data at higher resolution levels to the client from a remote server.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 22: “The Google Earth products include software that is stored in a storage media that can be read by a computer and run on compatible computers, or that read and execute the instructions in the software. As described above, the Google Earth apparatus provides data blocks describes 3D terrain to a renderer. These data blocks belong to a hierarchical structure, which includes data blocks at many different resolution levels.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

<b><u>DECLARATION OF TERRY KEATING, PH.D.</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE/AUTHORITY</b>
¶ 23: “As claimed in the `189 Patent, the data includes data blocks corresponding to coordinates proximal to a current viewpoint (from the perspective of a user of the accused software) of the renderer. In the product literature describes that the Google Earth products utilize a local memory to store data blocks of higher resolution . . . .”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 24: “The Google Earth products include a communication link or, as used in the `189 Patent, a connection used for transferring data between computers. Hameline Decl., Exh. 7, Fig. 5. The Google Earth apparatus streams the first and subsequent higher resolution data block to the client over a network, such as the Internet. The data blocks in the Google Earth products are received from a remote server via the communication link.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 24: “These documents confirm that the Google Earth products include a communication link, through which the memory receives the data blocks from a remote server.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 25: “I believe that the Google Earth products contain a ‘processor’ under either definition. The Google Earth products require a processor to process the instructions and operate in conjunction with the other elements to provide the functionality touted for Google Earth.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 26: “I understand that Google Earth’s processor receives the specified coordinates along with indication of a respective resolution level.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

**DECLARATION OF TERRY KEATING, PH.D.**

<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE/AUTHORITY</b>
¶ 27: “Given my review of the publicly available documentation about the Google Earth products, my reading of the ‘189 Patent, as well as my decades of experience in the Earth imaging and mapping field, I believe that each and every element of Claims 1 and 12 of the ‘189 Patent is included in or practiced by the Google Earth products.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

**DECLARATION OF AHARON (RONNIE) YARON**

<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE</b>
¶ 4: “In-Q-Tel, however could not invest U.S.-defense dollars in an Israeli-based company. . . . However, due to the fact that Skyline Software Systems, Ltd. was not a U.S.-based company, the NGA issued a ‘sunset policy’ requiring that, within one year, it would remove all Skyline products from their network and would not allow anyone using Skyline to access their network.”	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802
¶ 5: “In light of Skyline’s incorporation in the United States, the NGA rescinded the ‘sunset policy.’”	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802
¶ 6: “After deciding it could not invest in Skyline Software Systems, Ltd. because it was not based in the United States . . .”	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802
¶ 6: “On information and belief, I understand that In-Q-Tel asked Keyhole to attempt to replicate Skyline’s product given the NGA’s ongoing need for Skyline’s patented technology and the ‘sunset policy’ issued by the NGA at that time. I also understand that Keyhole was asked to mirror or copy Skyline’s product using the In-Q-Tel/NGA investment.”	Foundation/Speculation	Fed. R. Evid. 602



<b><u>DECLARATION OF AHARON (RONNIE) YARON</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE</b>
¶ 7: “The products offered by Skyline and Keyhole were comparably priced, with a low-end viewer product costing several hundred dollars to high-end enterprise solutions priced in the tens of thousands of dollars.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 8: “As a result, millions of users a day are able to download the Google Earth software and use the free and or [sic] low-cost Google Earth product to view 3D images around the globe. These users are becoming familiar and accustomed to Google/Keyhole’s graphic user interface and features.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 8: “This consumer familiarity and market penetration will make it more difficult to convince users later to switch to an alternative vendor, such as Skyline. The apparent purpose of Defendants’ marketing efforts is to saturate the market, make the Google/Keyhole brand synonymous with 3D visualization, and to eliminate its competitors.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 9: “The same is true of the Defendants’ commercial application, Google Earth Pro.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 9: “Of course, as a billion dollar entity, Google’s marketing reach and budget, particularly for this product, are significant.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 10: “Google/Keyhole has also been aggressively moving into the defense sector.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 10: “Skyline has been informed by several of its defense contractors that Google/Keyhole is making sales pitches and product demonstrations to government contractors and that Defendants are significantly expanding their sales forces in those markets.”	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802

<b><u>DECLARATION OF AHARON (RONNIE) YARON</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE</b>
¶ 10: “. . . on information and belief, I understand that these products are priced in the tens of thousands of dollars.”	Foundation/Speculation	Fed. R. Evid. 602
¶ 10: “Defendants’ Google Earth Enterprise Solutions products . . . are based on Skyline’s proprietary and patented invention and technology.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 11: “In addition to expansive invasion of the marketplace, I understand that Google has also entered into an exclusive licensing arrangement with DigitalGlobe, a high resolution that [ <i>sic</i> ] satellite data and information provider.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 11: “DigitalGlobe is the premier provider of high resolution satellite imagery, and the recognized source of high resolution image data for this application. While there are a few other providers of satellite imagery, none have the high resolution data held by DigitalGlobe (and now Google/Keyhole). The result of Google/Keyhole’s relationship with DigitalGlobe effectively forecloses Skyline ability to obtain the most current, high resolution satellite imagery for us in its 3D terrain imaging products.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 12: “Defendants have been able to enter (and now dominate) the 3D imaging market based [ <i>sic</i> ] and reap the benefits of Skyline’s patented invention by infringing the ‘189 Patent.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

<b><u>DECLARATION OF AHARON (RONNIE) YARON</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE</b>
¶ 15, in its entirety <sup>1</sup>	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 16: “By reaping the benefits of Skyline’s patented invention, Google/Keyhole have been able to market their product aggressively to consumers.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 16: “The result of Google/Keyhole’s action have been to impair significantly and immediately Skyline’s ability to conduct its business.”	Impermissible Lay/Expert Opinion	Fed. R. Evid. 701-703
¶ 16: “Google/Keyhole has been using Skyline’s patented technology, which Keyhole refined using funds earmarked for it to mirror Skyline’s product.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 16: “Google has now invested its enormous marketing process and presence on [sic] an effort to eliminate Skyline from the market.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

<sup>1</sup> Paragraph 15 text: “Defendants’ Google Earth products perform in this same way. I have reviewed Google Earth products and certain of their user manuals and publicly available descriptions of their products. Google Earth users are able to specify particular coordinates in the terrain (such as a city or street location) and then zoom into view high resolution terrain data without experiencing any delay while the client receives the terrain data from the server. This process is best illustrated by the series of screen shots attached as Exhibit 10 to the Hameline Declaration, which shows the user interface of the Google Earth product, with a location in the terrain selected at a desired zoom level, and specifically showing the progressively higher resolutions being rendered as higher resolution data blocks are streamed to the client from a remote server providing DigitalGlobe data. In the first screen shot, the data blocks are at a low level resolution, which is retrieved from local memory. As a result the image appears blurry. In the subsequent screen shots, data blocks containing higher resolution levels have been streamed to the client from the remote server and the rendered image appears to sharpen and become more defined. By the fourth screen shot, data blocks containing the highest resolution levels have been downloaded and the user is able to view highly defined terrain images. Even though the Google Earth product has rendered some form of the 3D terrain on screen in the earlier frames, the Streaming status bar near the lower center of the screen indicates that the Google Earth client continues to receive streamed data from the server, thereby allowing the higher resolution images in the latter frames. The Google Earth products perform this operation in the manner described in the ‘189 Patent. For comparison with the Google Earth infringing product described above. Exhibit 9 to the Hameline Declaration shows a similar set of screen shorts from the Skyline system, which embodies the inventions of the ‘189 Patent, and which receives successively higher resolution data blocks to render an image of a selected location representing 3D terrain.” Declaration of Aharon Yaron ¶ 15.

**DECLARATION OF AHARON (RONNIE) YARON**

<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE</b>
¶ 16: “At virtually every sales opportunity, Skyline is told that Google has visited or is scheduled to visit that potential client. Customers ask why they should purchase from a small company as opposed to a billion dollar entity that is offering the product at a greatly discounted rate.”	Foundation/Speculation Hearsay	Fed. R. Evid. 602 Fed. R. Evid. 802
¶ 17: “After a customer has begun to use a particular software product, and has grown accustomed to the features and graphical user interface, it is very difficult to convince them to change. In addition, Google/Keyhole is depressing the price point and attempting to saturate the market with a lower priced product.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703
¶ 17: “At the same time, Google has entered into exclusive arrangement with the vendor of highest quality commercial satellite data.”	Foundation/Speculation	Fed. R. Evid. 602
¶ 17: “All of these efforts are having an immediate effect and I believe will cause Skyline irreparable harm.”	Foundation/Speculation Impermissible Lay/Expert Opinion	Fed. R. Evid. 602 Fed. R. Evid. 701-703

**DECLARATION OF H. JOSEPH HAMELINE**

<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE</b>
Paragraph 5 & Exhibit 1, pages 1-4: ClickZ News article “Google Adds Mapping Technology”	Authentication and Personal Knowledge Hearsay	Fed. R. Evid. 901 Fed. R. Evid. 802
Paragraph 5 & Exhibit 1, page 5: Silicon Valley/San Jose Business Journal article “Google buys digital mapping company”	Authentication and Personal Knowledge Hearsay	Fed. R. Evid. 901 Fed. R. Evid. 802
Paragraph 6 & Exhibit 2: Internet News article “Google Unfolds 3D Mapping Acquisition”	Authentication and Personal Knowledge Hearsay	Fed. R. Evid. 901 Fed. R. Evid. 802
Paragraph 7 & Exhibit 3: Google Earth “Industries” Web Page	Authentication and Personal Knowledge	Fed. R. Evid. 901

<b><u>DECLARATION OF H. JOSEPH HAMELINE</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE</b>
Paragraph 8 & Exhibit 4: Evening Standard article “Top 10 FREE Downloads”	Authentication and Personal Knowledge Hearsay	Fed. R. Evid. 901 Fed. R. Evid. 802
Paragraph 9 & Exhibit 5: Google “Industry Awards and Accolades for Google” Web Page	Authentication and Personal Knowledge	Fed. R. Evid. 901
Paragraph 10 & Exhibit 6: CHIP Online article (German), linked from Exhibit 5	Authentication and Personal Knowledge Hearsay Failure to Provide Translation	Fed. R. Evid. 901 Fed. R. Evid. 802
Paragraph 12 & Exhibit 8: NewsFactor Business Report article “Google Buys Digital Mapping Company”	Authentication and Personal Knowledge Hearsay Incomplete Exhibit	Fed. R. Evid. 901 Fed. R. Evid. 802
Paragraph 13 & Exhibit 9: Screenshots of Skyline product	Authentication and Personal Knowledge Hearsay	Fed. R. Evid. 901 Fed. R. Evid. 802
Paragraph 14 & Exhibit 10: Screenshots of Google Earth product	Authentication and Personal Knowledge Relevance	Fed. R. Evid. 901 Fed. R. Evid. 402
Paragraph 15 & Exhibit 11: Google “Which version of Google Earth is right for you?”	Authentication and Personal Knowledge	Fed. R. Evid. 901
Paragraph 16 & Exhibit 12: Keyhole Products Web Page	Authentication and Personal Knowledge	Fed. R. Evid. 901
Paragraph 17 & Exhibit 13: “Using Keyhole 2 PRO/EC Version 2.2”	Authentication and Personal Knowledge Relevance	Fed. R. Evid. 901 Fed. R. Evid. 402
Paragraph 18 & Exhibit 14: Keyhole 2 LT/NV Quickstart Guide”	Authentication and Personal Knowledge Relevance	Fed. R. Evid. 901 Fed. R. Evid. 402
Paragraph 20 & Exhibit 16: Google Earth “A 3D Interface to the planet” Web Page	Authentication and Personal Knowledge	Fed. R. Evid. 901

<b><u>DECLARATION OF H. JOSEPH HAMELINE</u></b>		
<b>EVIDENCE</b>	<b>BASIS</b>	<b>RULE</b>
Paragraph 21 & Exhibit 17: Keyhole “Getting Started” Web Page	Authentication and Personal Knowledge	Fed. R. Evid. 901
Paragraph 24 & Exhibit 20: Google Earth “Enterprise – Overview” Web Page	Authentication and Personal Knowledge	Fed. R. Evid. 901
Paragraph 25 & Exhibit 21: Google Earth “Product Tour” Web Page	Authentication and Personal Knowledge	Fed. R. Evid. 901
Paragraph 26 & Exhibit 22: Google Earth Image earth.google.com/images/sdin3d.jpg as available 12/21/2005	Authentication and Personal Knowledge	Fed. R. Evid. 901